

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA § **CRIM. ACTION NO. 6:13CR2(3)**
Vs. §
BOBBY JOE WHITELEY §

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-styled matter was referred to the Honorable K. Nicole Mitchell, United States Magistrate Judge, for administration of a guilty plea under Rule 11 of the Federal Rules of Criminal Procedure. Judge Mitchell conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued her Report and Recommendation. Judge Mitchell recommended that the Court accept Defendant's guilty plea and conditionally approve the Fed.R.Crim.P. 11(c)(1)(C) plea agreement. She further recommended that the Court finally adjudge Defendant as guilty of a lesser included charge of Count 1 of the Indictment filed against Defendant in this cause.

In open court at the plea hearing on November 7, 2013, the parties waived their right to object to the magistrate judge's findings. The Court is of the opinion that the Report and Recommendation should be accepted. It is accordingly

ORDERED that the Report and Recommendation of the United States Magistrate Judge is **ADOPTED**. It is further

ORDERED that Defendant's guilty plea is accepted and approved by the Court. Further, the plea agreement is approved by the Court, conditioned upon a review of the presentence report. It is finally

ORDERED that, pursuant to Defendant's plea agreement, the Court finds Defendant **GUILTY** of a lesser included charge of Count 1 of the **Indictment** in the above-numbered cause and enters a **JUDGMENT OF GUILTY** against the Defendant as to a lesser included charge of Count 1 of the **Indictment**.

It is SO ORDERED.

SIGNED this 13th day of November, 2013.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE